

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

In re:

KENNETH PRICHETT,

Case No. 11-08434-PMG

Debtors.

**ORDER GRANTING DEBTOR'S MOTION TO DETERMINE SECURED STATUS AND
TO STRIP JUNIOR LIEN ON DEBTOR'S PRINCIPAL RESIDENCE**

This case came on for consideration of Debtor's Motion to Determine Secured Status and to Strip Junior Lien on Debtor's Principal Residence. Pursuant to Local Rule 2002-4, the debtor served the Motion on all interested parties, and no interested parties have filed a response within the thirty (30) day time period allowed. Therefore, it is

ORDERED:

1. Debtor's Motion to Determine Secured Status and to Strip Junior Lien on Debtor's Principal Residence is granted.
2. The Court finds that the Plaintiff's homestead property has no equity to secure the second mortgage. The property is encumbered by a valid first mortgage, held by USAA Federal Savings Bank, in the amount of \$300,217.00 at the time of filing the petition. The Defendant holds a second mortgage that is wholly unsecured.
3. The real property (the "Real Property") that is subject of the proceeding is located at 6608 Smithfield Plantation Road, Jacksonville, FL 32218, and more particularly described as follows:

**ALL THAT PARCEL OF LAND IN DUVAL COUNTY, STATE OF
FLORIDA, AS MORE FULLY DESCRIBED IN DEED BOOK 12475,
PAGE 1774, BEING KNOWN AND DESIGNATED AS LOT 16,
SMITHFIELD PLANTATION. LOT 16 SMITHFIELD PLANTATION,
ACCORDING TO PLAT THEREOF AS RECORDED IN PLAT BOOK 56,**

**PAGES 84, 84A, 84B AND 84C OF THE CURRENT PUBLIC RECORDS
OF DUVAL COUNTY, FLORIDA.**

4. The mortgage held by Navy Federal Credit Union recorded on August 29, 2006, at Book 13485, Page 1584, Instrument No. 2006301089 of the official records of Duval County, Florida, shall be deemed void and shall be extinguished automatically, without further court order, upon entry of the Debtor's discharge in this Chapter 7 case; provided, however, that the Court reserves jurisdiction to consider, if appropriate, the avoidance of Navy Federal Credit Union's lien prior to the entry of the Debtor's discharge.

DATED this 14 day of March, 2013 at Jacksonville, Florida.

Paul M. Glenn

PAUL M. GLENN
United States Bankruptcy Judge

Copies furnished to:
Candyce M. King, P.A., Attorney for Debtors
Doreen Abbott, Trustee
Office of the U.S. Trustee
Debtors
Navy Federal Credit Union, 20 Follin Lane, Vienna, VA 22180

RECORDED FOR BANKRUPTCY COURT
IN THE DISTRICT OF FLORIDA,
JACKSONVILLE DIVISION
CASE NO. 13-17695